



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

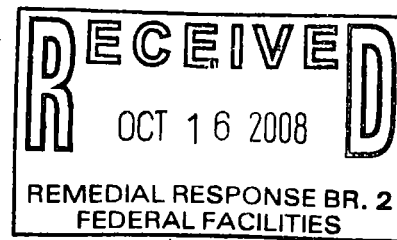
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October 10, 2008



Bill Brawner  
Headquarters, Department of the Army  
Base Realignment and Closure Division (DAIM-BD)  
600 Army Pentagon  
Washington, DC 20310-0600

Re: Draft Land Use Control Remedial Design  
Landfills 6 and 7  
Fort Sheridan, Illinois

0970555001/Lake  
Fort Sheridan (BRAC)  
Superfund/Technical

Dear Mr. Brawner:

The Illinois Environmental Protection Agency (Illinois EPA or Agency) is in receipt of the Army's Draft Land Use Control (LUC) Remedial Design (RD), Landfills 6 and 7, Fort Sheridan, Illinois (attached). It was submitted electronically to the Agency on October 2, 2008. As stated in the submittal, "The purpose of the submittal is to outline the process for implementation and maintenance of LUCs as part of the remedial action at Landfills 6 & 7." Illinois EPA has conducted a review of the subject document and is providing the following comments:

- 1) **Section 1.0** – The key elements of the Interim RA on page two only include the components that were part of Parson's remedial design for the interim remedy. All of the components of the final remedy need to be identified here, which would include the cap, the leachate collection system, the gas collection and destruction system, the shoreline protection features, the storm water re-route, the grouted riprap channel, etc... This section should mirror the final remedy description presented in the Record of Decision.
- 2) **Section 1.2** – The last sentence states that the restrictions are "solely to protect the remedy." This is not entirely correct. The land use controls discussed in the submittal not only protect the remedy, but also ensure the protection of human health and the environment, since they prohibit activities that could potentially allow completion of unacceptable exposure pathways which would put the receptor at risk.

- 3) **Section 2.0** – The first numbered item should read, “Prevent *all but passive recreational* use and intrusive activities at Landfills 6 and 7.”
- 4) **Section 2.0** – The third numbered item should read, “Prevent unauthorized intrusive activity or excavation at Landfills 6 and 7.”
- 5) **Section 2.0** – Another land use control objective should be to prevent alteration, damage, or removal of any portion of the final remedy as listed in Section 1.0.
- 6) **Section 3.0** – The first complete sentence of the first paragraph on page 4 should terminate with the phrase “pursuant to the forthcoming Uniform Environmental Covenants Act.”
- 7) **Section 3.0** – In the middle of the first paragraph on page 4, “and for land use control enforcement” should be inserted at the end of the second complete sentence.
- 8) **Section 3.1** – The second sentence following (1) should read, “Commercial and industrial uses *would* include, but not be limited to...”
- 9) **Section 3.1** – The sentence following (2) should read, “...use of the groundwater on Landfills 6 and 7 *or within the buffer zone* for any purpose...”
- 10) **Section 3.2** – It should mention here that in addition to no digging and excavation, no unauthorized changes to the remedy are allowed either. These would include such things as moving or removing any of the armor stones on the beach or in the shallow water in front of the landfill, changes in the slope or grade of the landfill surface, and changes to the storm water flow pattern around the landfills.
- 11) **Section 4.0** – Paragraph A discusses placing lease restrictions within any subsequent lease on the property, but the Army does not currently own the property. The Navy owns the real property incorporating Landfills 6 and 7. How will the Army ensure the Navy places those restrictions in the lease? This paragraph concludes by stating that any lease restrictions would remain in place until the property is transferred, at which time they will be superseded by the deed restrictions. In regard to property transfers with deed restrictions, please be informed that Illinois has recently passed a new law, effective January 1, 2009, called the Uniform Environmental Covenants Act (UECA) which will affect all future property transfers involving land use controls. The UECA should be mentioned here. You can find the full text here:

<http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=51&GA=95&DocTypeId=SB&DocNum=2110&GAID=9&LegID=35790&SpecSess=&Session=>

- 12) **Section 4.0** – Under subsection C, paragraph (1), the deed restrictions will need to include an Environmental Covenant pursuant to the Uniform Environmental Covenants Act mentioned previously.
- 13) **Section 4.0** – Under subsection C, paragraph (3), the last line should read, “...run with the land *in perpetuity* and are enforceable.”
- 14) **Section 4.0** - Under subsection D, it states the cities *may* contain zoning code land uses. This should be determined and stated as fact, rather than making an assumption.
- 15) **Section 4.0** – At the top of page 6, there is mention of “IL Code.” Please be specific as to which code is being referenced. It also mentions that the statement will be prepared by an expert that the Illinois EPA approves. Please specify what that person would be an expert in and by what measure Illinois EPA would approve.
- 16) **Section 5.0** – In the second paragraph, it should state how much notice must be provided to Illinois EPA prior to commencing actions that may impact remedy integrity. The Agency would suggest at least two weeks, but 30 days would be preferable.
- 17) **Section 6.0** – The Operation and Maintenance Plan and the Groundwater and Leachate Monitoring Plan for Landfills 6 and 7 should be referenced here. It should also state that the Army is responsible for following those plans as written.
- 18) **Section 8.0** – The last line of the first paragraph should read “...will be taken to address *and correct* the inconsistent land use.”
- 19) **Section 9.0** – As noted previously, the Army does not own the property on which Landfills 6 and 7 are located. How will the Army know when the current owner (the Navy) intends to lease or transfer the property? Who is the Army point of contact to be notified by the Navy?
- 20) **Section 9.0** – In the second paragraph after LUCs, it should mention any Environmental Covenants that will be required.
- 21) **Section 9.0** – Several times on page 8 the Army is mentioned in relation to ownership of the Landfill 6 and 7 property when they do not own that property. This should be corrected throughout the submittal.

- 22) **Section 10.0** – The last line should read “...approval from the Army, Illinois EPA, and *the current* property owner.”
- 23) **General Comment** – The buffer zone is merely mentioned in the submittal without discussion/development of the restrictions that must be maintained/enforced within that area. The buffer zone should be included in this document to the same level of detail other parts of the remedy are. It is just as important to the remedy in eliminating the potential risks to human health and the environment.
- 24) **General Comment** – Given recent developments, it should state in this document how the Army plans to deal with such things as vandalism, or the intentional destruction of parts of the final remedy.

If you have any questions regarding anything in this correspondence, you may contact me at 217/557-8155 or via electronic mail at [Brian.Conrath@illinois.gov](mailto:Brian.Conrath@illinois.gov).

Sincerely,

*Brian A. Conrath*

Brian A. Conrath  
Remedial Project Manager  
Federal Facilities Unit  
Federal Site Remediation Section  
Bureau of Land

*BAC*  
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Attachment: Submitted Draft Land Use Control Remedial Design

cc: Bill O'Donnell, Army BRAC  
Mark Shultz, US Navy - EFA Midwest  
David Moore, US Army Reserve

Owen Thompson, USEPA (SR-6J)  
Kurt Thomsen, Fort Sheridan EC

**DRAFT**  
**LAND USE CONTROL (LUC) REMEDIAL DESIGN (RD)**  
**LANDFILLS 6 & 7**  
**FORT SHERIDAN, ILLINOIS**

**1.0 BACKGROUND**

Landfills 6 & 7 consist of 14.5 acres of property located in the south-central portion of Fort Sheridan. The eastern boundary of Landfill 7 fronts Lake Michigan (see attached Map). Landfills 6 & 7 were used for the disposal of industrial and domestic waste and demolition debris. Landfill 6, located in the southern portion of Fort Sheridan, encompasses 6 acres of the former Wells Ravine area between Patten Road and H Street. Industrial and domestic wastes reportedly were disposed of in the landfill along with debris from the demolition of several World War II barracks in the 1960s. The Enhanced Preliminary Assessment of Fort Sheridan (Argonne 1989) documents that waste oil, solvents, paint products, carbon cleaning compounds, hospital and veterinary wastes, ammunition boxes, dials, and gauges, sewage treatment plant (STP) sludge, incinerator and heating plant ash, building debris, and general office/domestic refuse were inferred to have been disposed of in the Wells Ravine landfills (Landfills 6 & 7) and in older landfills on the Post. The RI/BRA Report (SAIC 1999) documents that soil fill with considerable quantities of organic-laden municipal waste, consisting of household trash, processed wood, scrap metal, burnt wood, newspaper, and construction debris (i.e. larger concrete blocks, tires, metal debris, bottles, cans, bricks, cardboard, plastic bags, and trees) were found during the RI activities at Landfill 6. The Sampling and Analysis Report for Interim Remedial Action at Landfills 6 & 7 (Stone & Webster 2000) documents that stained soil, small pockets of thick oily residues, asphalt, wood, glass, plastic, paper, metal, concrete, and pieces of brick were found during excavation activities. The RI results indicated that risks from the current land use scenarios were within the target risk management range.

Landfill 7 is located over the eastern portion of the former Wells Ravine between Patten Road and Lake Michigan and encompasses 8.5 acres. Waste disposal activities at Landfill 7 occurred in the 1940s, 1960s, and 1970s, with all disposal operations ceasing in 1979. The depth of fill at the deepest point directly beneath the top of the east slope is estimated to be approximately 55 to 60 feet BLS based on a comparison of current topography with historical (1963) topographic maps (ESE 1996a). Fill materials reportedly disposed of in Wells Ravine included but were not limited to, waste oils, solvents, hospital and veterinary wastes, pentachlorophenol (PCP)-treated ammunition boxes, STP sludge, incinerator and heating plant ash, building debris, and domestic and office refuse (Argonne 1989). Open burning reportedly was implemented at the landfill prior to 1970 using a dug trench near the lake shore (Argonne 1989). Sludge from the STP and coal ash from the incinerator were mixed with soil and used as cover materials (LOHHI 1981 and Argonne 1989). Observation of the eastern landfill slope in 1978 indicated that the bulk of the landfill slope consisted of construction debris; large, broken concrete blocks; wire mesh; steel; old water tanks; cinders; and clay fill. Household refuse was not observed within the open slope face (STS 1978). Waste materials excavated from the landfill during a 1979 investigation unearthed paper, shoes, cans, glass, asphalt, rags, bricks, plastic bags and wrap, wood boards, bed springs, and sheet metal fragments (STS 1979). The RI/BRA Report (SAIC 1999)

documents that soil fill with considerable quantities of organic-laden material waste consisting of household trash, processed wood, newspaper, and construction debris (i.e., concrete metal debris, bottles cans, bricks, cardboard, plastic bags, and wood) were found during the RI activities at Landfill 7.

During the period of 2002 through 2004, the U.S. Army implemented the cap construction at Landfills 6 & 7 in accordance with the Decision Document for Interim Source Control Action for Landfills 6 & 7, dated April 22, 1997 and the two subsequent Explanation of Significant Differences (ESD's) issued in 1999 and 2001. The construction was done in accordance with the Final (100%) Design Submittal, Interim Remedial Design, prepared by Parsons Engineering Science, Inc. dated May 2002, which was approved by the Illinois EPA.

The key elements of the Interim RAs for Landfills 6 & 7 included:

- Installation and maintenance of erosion control measures and storm water conveyance facilities prior to land disturbance.
- Installation and operation/maintenance of an active leachate collection and storage system.
- Installation and operation/maintenance of an active landfill gas collection system and enclosed flare treatment system.
- Construction of a RCRA-equivalent cap on Landfills 6 & 7
- Long-term maintenance of the landfill's cover system
- Implementation of land use controls that allow for the future use of the open land space on the landfill surfaces while preventing potentially adverse/damaging activities to the cap/remedy and allowing unrestricted use of the adjacent areas outside of the buffer zone as depicted in Figure 2.

Also included in the RAs were multiple excavations of waste material. Wells Ravine Northern Tributary area was excavated and the waste was incorporated within Landfills 6 & 7. Impacted soils from four other areas within the Base also were removed under an Action Memorandum (see Final Removal Action Work Plan for Building 70, Coal Storage Area 4, Vehicle and Equipment Storage Area 8, and Water Tower Soil and Demolition, May 2002). Some of the excavated soils from these Action Memorandum sites were consolidated into Landfills 6 & 7, in conformance to the Illinois EPA-approved Removal Action Work Plan. Four small waste excavation areas surrounding Landfills 6 & 7 were also excavated and consolidated into Landfills 6 & 7 per the approved 100% Design.

Construction of the RCRA-equivalent caps at Landfills 6 & 7 included the following components, starting at the surface and progressing downwards to the landfill waste:

- Prairie grass and turf grass;
- 6-inches of topsoil;
- 3 feet of vegetative/protective cover soil layer;

- Geocomposite (synthetic) drainage layer, consisting of a geonet with a geotextive fastened on both sides of the geonet;
- 40-mil thick linear low-density polyethylene (LLDPE), water tight, geomembrane to serve as the impermeable barrier portion of the cover;
- A geocomposite clay liner layer;
- An extra 12-inches of compacted clay soil layer on the east slope of Landfill 7 only.
- Geocomposite vent layer to transfer landfill gases from the underlying waste to the landfill gas collection system.

## **1.1 PURPOSE**

The purpose of this LUC RD is to outline the process for the implementation and maintenance of LUCs as part of the remedial action at Landfills 6 & 7. This LUC RD provides LUC performance objectives, the LUCs to be used, and the LUC implementation actions relevant to Landfills 6 & 7. This LUC RD describes how the LUCs presented in the Decision Document for the Final Remedy at Landfills 6 & 7 will be implemented.

## **1.2 ANTICIPATED LAND USES**

The current and future land use for Landfills 6 & 7 is for passive recreational uses including walking paths and possible bicycle trails. The caps are vegetated with a mixture of prairie grasses and turf grass walking paths. The cap/remedy at the landfills were developed to address unacceptable risks to human health and the environment posed by the waste materials and associated leachate, groundwater and landfill gas below the cap. These risks were eliminated under the Interim Source Control Actions of redesigning the cap, leachate collection system, gas collection system and drainage systems on the cap. Therefore, with the cap and environmental controls in place, there are no longer any unacceptable health risks at this site. The restrictions implemented with this RD are solely to protect the remedy.

## **2.0 LAND USE CONTROL OBJECTIVES**

The Army will implement LUCs to achieve the performance objectives listed below for Landfills 6 & 7. Figure 2 depicts the LUC boundaries (e.g. Buffer Zone) for Landfills 6 & 7.

The LUC objectives at the Landfills 6 & 7s are as follows:

1. Prevent residential use and intrusive activities at Landfills 6 & 7.
2. Prevent access to or use of the groundwater.
3. Prevent unauthorized excavation at Landfills 6 & 7.

## **3.0 LAND USE CONTROLS**

This section provides a description of the LUCs, the logic for their selection, and implementation actions. The Army or its representatives are responsible for implementation, inspection, periodic reporting, and enforcement of the LUCs for Landfills 6 & 7. As a condition of property transfer

or lease, the Army may require the transferee or lessee, with approval from the Illinois EPA, to assume responsibility for various implementation actions as indicated below. Third party LUC responsibility will be incorporated into pertinent contractual and property documentation, such as a purchase agreement, deed, lease, and an Illinois Environmental Covenant. Although the Army may transfer primary responsibility for various implementation actions to a third party, the Army shall remain ultimately responsible for remedy integrity. This means that the Army remains responsible for addressing violations of LUCs. Should any LUC be violated, the Army will ensure that appropriate actions are taken as soon as practicable to terminate the offending land use and may initiate legal action to either compel action by a third party(ies) and/or to recover the Army's costs for remediating any discovered LUC violation(s).

### **3.1 LAND USE RESTRICTIONS**

The residual contamination at Landfills 6 & 7 will not pose an unacceptable threat to human health and the environment provided the following Land Use Restrictions are employed:

#### **(1) Recreational Use Restrictions**

Landfills 6 & 7 shall be used solely for passive recreational purposes (i.e. walking/biking trails) and not for commercial/industrial or residential purposes. Commercial and industrial uses include, but are not limited to, administrative/office space, manufacturing, warehousing, restaurants, hotels/motels, and retail activities. Residential use includes, but is not limited to, housing, day childcare facilities, schools (excluding education and training programs for persons over 18 years of age) and assisted living facilities.

#### **(2) Groundwater Restriction**

Other than for the installation of and obtaining samples from groundwater monitoring wells, there shall be no access to or use of the groundwater on Landfills 6 & 7 for any purpose without the prior written approval of the Army and the Illinois EPA.

### **3.2 DISTURBANCE RESTRICTIONS**

No digging or excavation shall be permitted on the caps of Landfills 6 & 7 without prior written approval of the Army and the Illinois EPA. All digging or excavation on Landfills 6 & 7 is prohibited, subject to the following exceptions:

- a. Routine maintenance of the roads, swales, catch basins and perimeter storm drain.
- b. Ground surface repairs by authorized personnel in support of authorized activities.

### **4.0 IMPLEMENTATION ACTIONS**

The Army shall perform the following implementation actions to ensure that the LUC objectives are met.



A. Lease restrictions – Prior to the Army leasing any portion of land containing Landfills 6 or 7, the Army will include lease restrictions in the lease that are no less restrictive than the land use restrictions described above to implement the LUC Objectives and Land Use Restrictions. These lease restrictions shall remain in place until Landfills 6 & 7 are transferred by deed, at which time they will be superseded by the deed restrictions.

B. Environmental Easement - The Army will prepare an environmental easement that provides for monitoring of the LUCs set forth in this RD. This environmental easement will be recorded immediately prior to the transfer of Landfills 6 & 7 from the federal government. The environmental easement will ensure the ability of Illinois EPA to enforce the LUCs in the future. A notification about the existence of the environmental easement will be identified in the deed associated with the parcel transfer. The easement does not negate or transfer the Army's ultimate responsibility under CERCLA Section 120(h)(3).

C. Deed restrictions –

(1) The property will be transferred with the land use restrictions, consistent with the above LUC Objectives as defined in Section 2, above. These deed or deeds for Landfills 6 & 7 will incorporate by reference the land use restrictions set forth in the environmental easement. The deed(s) will be recorded in the Lake County Clerk's Office. The Army shall provide a copy of the executed Landfills 6 & 7 deed(s) to Illinois EPA.

(2) CERCLA Notice and Covenant. Each deed will include a CERCLA Section 120(h)(3) notice and covenant. The CERCLA Section 120(h)(3) notice will have a description of the residual contamination on the subject property. The CERCLA Section 120(h)(3) will warrant that the Army has taken all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property and any additional remedial action found to be necessary after the date of transfer shall be conducted by the Army.

(3) Reservation of Access. Each deed will also contain a reservation of access to the property for the Army, Illinois EPA, and their respective officials, agents, employees, contractors, and subcontractors. The deed shall contain appropriate provisions to ensure that the restrictions continue to run with the land and are enforceable.

D. Zoning - The Landfills 6 & 7 may be subject to local zoning codes. The Cities of Highland Park and/or Highwood may contain zoning code land uses for conservation/ recreation, residential, and commercial/industrial activity within the Town of Fort Sheridan and within the Naval Housing Units.

E. Annual Certification – The Army and/or future property owner shall annually, or within such time as may be allowed (with the consent of Illinois EPA and the Army), submit a written statement certifying that the land use controls employed at Landfills 6 & 7 are unchanged from the previous certification, or that any changes to the controls were approved by Illinois EPA and that nothing has occurred that would impair the ability of such controls to protect human health and the environment or constitute a violation or failure to comply with this RD for such controls. Further, the certification shall provide for access to Landfills 6 & 7 to

evaluate continued maintenance of such controls. The certification shall be in accordance with the IL Code. The statement will be prepared by an expert that the Illinois EPA approves.

F. Five-Year Review - The Army will review the LUC remedy as part of the five-year review and report. The report will address the effectiveness of the LUC remedy and whether any LUC Objective, Land Use Restriction, or Implementation Actions should be modified.

## **5.0 MODIFICATION OR TERMINATION OF LUCS**

LUCs concerning disturbance of the cap and environmental controls and monitoring elements of Landfills 6 & 7 are expected to remain in place indefinitely. LUCs concerning restrictions are expected to remain in place indefinitely, unless further action is taken to reduce the concentrations of hazardous substances in soil to levels that allow for unlimited use and unrestricted exposure.

The Army shall not, without Illinois EPA approval, make a modification to any LUC. The Army shall not, without Illinois EPA approval, make a land use change inconsistent with Landfills 6 & 7 or this LUC RD. Likewise, the Army shall seek prior Illinois EPA approval before commencing actions that may impact remedy integrity.

The Army shall not, without Illinois EPA approval, terminate a LUC. The decision to terminate LUCs will be documented consistent with the National Oil and Hazardous Substances Pollution Contingency Plan process for post-ROD changes.

## **6.0 MONITORING AND REPORTING**

Monitoring of LUCs in the form of site inspections will be conducted by the Army to confirm whether the LUCs remain effective and meet LUC objectives for continued remedy protectiveness. Monitoring results will be reported in an annual LUC monitoring report, with changes in monitoring frequency to be coordinated with and approved by Illinois EPA. The Army (or its representative) will provide (via mail) each report to Illinois EPA.

The annual LUC monitoring report will evaluate the status and effectiveness of LUCs with a description of how any LUC deficiencies or inconsistent uses were addressed. The annual LUC monitoring reports will be used in the preparation of the CERCLA 121(c) Five-Year Review. As part of the LUC monitoring report, a written certification will be submitted stating whether or not the LUCs remain in place and are effective.

## **7.0 CERCLA 121(C) FIVE-YEAR REVIEWS**

As part of the CERCLA Section 121(c) five-year remedy review process, the Army shall prepare a report evaluating the continued effectiveness of the remedy, including effectiveness of the LUCs and an assessment of whether there is a need to modify the LUCs. The Army will verify whether the LUCs continue to be properly documented and maintained by it as the responsible entity. Each remedy review will evaluate whether conditions have changed due to contaminant attenuation, migration or other factors such as land use. If risk levels have changed since initial

LUC implementation, LUC modification will be considered, which may include a change in monitoring frequency.

## **8.0 LUC ENFORCEMENT**

If the Army discovers any land use that is inconsistent with the LUC objectives or the LUCs or that impairs the effectiveness of the remedial actions at Landfills 6 & 7, the Army will notify the Illinois EPA in writing as soon as practicable but no later than ten (10) days after discovery and include a written description of the inconsistent land use. Within ten (10) days after such notification, the Army will provide the Illinois EPA with information regarding what efforts or measures have or will be taken to address the inconsistent land use.

The Army will work with the Illinois EPA and if applicable, transferees/lessees of Landfills 6 & 7 or any portion thereof, to take appropriate action to enforce the LUCs or maintain remedy integrity. The Army may take immediate action pursuant to its CERCLA authorities to prevent any perceived risk(s) to human health or the environment. Any breach of the LUCs will be reported to the appropriate civil authorities. Potential response measures include informal resolutions with the owner or violator, and the institution of judicial action under state property law or CERCLA.

## **9.0 LEASES AND PROPERTY TRANSFERS**

No later than sixty (60) days prior to leasing or transferring any portion of Landfills 6 & 7 to another agency, person, or entity (including federal to federal transfers), the Army shall provide written notice to the Illinois EPA of such intended lease or transfer. The notice shall identify the proposed lessee or transferee and describe any additional mechanism(s) to be used for future LUC responsibilities after lease or transfer<sup>1</sup>.

As a condition of the lease, the Army will require that equivalent LUCs will be put into the terms and conditions of the lease. The lease will prohibit the lessee from modification or termination of any restrictions/LUCs without prior Army concurrence and Illinois EPA approval.

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<sup>1</sup> In accordance with current DOD and DA policy, a Finding of Suitability to Transfer (FOST) that describes the LUCs and includes the land use restriction language, for subsequent use in the deed or lease, will be provided to Illinois EPA, the state and the public for their review and comment on the specific wording for property transfer, sale, or lease documents. The FOST also serves as the basis for deed inclusion of the CERCLA 120(h)(3) notice, covenant and reservation of access.

As a condition of a transfer to another federal entity, the Army will require that equivalent LUCs will be put into the terms and conditions of the transfer document. The transfer document will prohibit the transferee and subsequent owners or users from modification or termination of the LUCs without prior Army concurrence and Illinois EPA approval. The Army will consult with Illinois EPA for input on the deed or transfer document language.

Furthermore, the transferee or lessee will be responsible for ensuring compliance with the LUCs. However, the Army remains responsible for implementing, maintaining and monitoring the remedial actions (including LUCs) before and after property lease or transfer.

In addition, concurrent with the lease or transfer of Landfills 6 & 7 or any portion thereof from the Army, information regarding the LUCs will be communicated in writing to the lessees or transferees and to appropriate state and local agencies to ensure such agencies can factor such conditions into their oversight and decision-making activities regarding the property. Should a problem with LUC implementation, maintenance, monitoring, reporting or enforcement arise at a transferred or leased property, the Army will work together with the transferee or lessee, and subsequent property owner(s) and user(s), as well as Illinois EPA and appropriate local government representatives, to resolve any LUC problems and to ensure expedient solutions.

If the Army intends to convey ownership of Landfills 6 & 7 or any portion thereof to a non-federal entity, the Army will require that, following review and approval by Illinois EPA, the transferee execute and record an environmental covenant, in accordance with and pursuant to Illinois Administrative Code that establishes the LUCs as enforceable activity and use limitations under state law.

If the Army becomes aware of an action that interferes with or violates an Environmental Covenant, it will take action to resolve the matter in accordance with the enforcement procedures set forth in the Environmental Covenant. The Army will notify Illinois EPA within three (3) days of becoming aware of the violation. If the matter is not resolved, the Army will notify Illinois EPA of the results of its resolution efforts (e.g., any corrective action) or proposal to resolve the matter within ten (10) days of discovery of the violation.

## **10.0 RESPONSIBILITIES OF SUBSEQUENT OWNERS/LESSEES**

In the event of property transfer or lease, the Army may require the transferee or lessee and subsequent property owner(s) and user(s) to assume certain responsibilities for LUC implementation actions described above, including maintenance, inspection, reporting and enforcement, with the involvement of the appropriate state and/or local government representatives. The responsibilities assumed by transferee(s) and subsequent owner(s) and user(s) shall be clearly documented in the appropriate transfer/lease documentation.

The Army will continue to: (1) conduct all CERCLA 121(c) reviews; (2) notify the appropriate state and/or local government representatives of any known LUC deficiencies or violations; (3) reserve the right to access the property to conduct any necessary response; (4) reserve the authority to change, modify or terminate LUCs and any related deed or lease provisions, with Illinois EPA approval; and, (5) remain responsible for remedy integrity. To the extent permitted

